

**REMARKS**

The Official Action mailed February 21, 2003 has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on January 4, 2002 and May 22, 2002.

Claims 1-21 are now pending in the present application, of which claims 1, 5, 9, 13 and 17 are independent. The independent claims have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

The Official Action objects to the disclosure for lacking continuity information. In response, the specification has been amended to include such information. Reconsideration of the objection is requested.

The Official Action rejects claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 20 as being anticipated by U.S. Patent No. 5,294,518 to Brady et al. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present invention, as amended. Brady does not teach all the elements of the independent claims, either explicitly or inherently. The independent claims have been amended to recite irradiating a laser light onto the semiconductor film to crystallize the semiconductor film. Brady appears to teach changing the index of refraction without melting or crystallizing the amorphous solid (see col. 9, lines 25-28). Furthermore, although it appears that Brady discloses irradiating a laser light to an object to change the index of refraction, Brady does not teach controlling an irradiation energy of the laser light. Since Brady does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a) is in order and respectfully requested.

The Official Action rejects claims 1, 2, 5-7, 9-11, 13-15 and 17-20 as obvious based on Brady. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2143-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Brady does not teach or suggest irradiating a laser light onto the semiconductor film to crystallize the semiconductor film, or controlling an irradiation energy of the laser light. Since Brady does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is in order and respectfully requested.

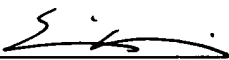
The Official Action rejects claims 1-21 as obvious based on the combination of Brady and U.S. Patent No. 5,240,581 to Kim. Kim does not cure the deficiencies in Brady. The Official Action relies on Kim to teach using an ellipsometer to measure the refractive index of thin films (p. 3, Paper No. 5). Brady and Kim, either alone or in combination, do not teach or suggest irradiating a laser light onto the semiconductor film to crystallize the semiconductor film, or controlling an irradiation energy of the laser light. Since Brady and Kim do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejection under 35 U.S.C. § 103(a) is in order and respectfully requested.

The Official Action rejects claims 1-21 under the doctrine of obviousness-type double patenting over claims 1-38 of U.S. Patent No. 6,336,969 and claims 1-29 of U.S. Patent No. 6,059,873. The Applicants respectfully request that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in the present application, at which time a complete response to any remaining double patenting rejection will be made.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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